

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NEW WORLD SYSTEMS CORPORATION,

Plaintiff,

Case No. 2:06-cv-11603
Hon. Denise Page Hood

v.

CHAUNCEY JONES and TYLER
TECHNOLOGIES, INC.,

Magistrate Judge Virginia M. Morgan

Defendants.

SAFFORD & BAKER, PLLC
Ralph R. Safford (P24633)
Mary Ann Hart (P48994)
Attorneys for Plaintiff
40900 Woodward Avenue, Suite 275
Bloomfield Hills, Michigan 48304
(248) 646-9100

VERCRUYSE, MURRAY & CALZONE, PC
Daniel J. Bernard (P34225)
William E. Altman (P52788)
Attorneys for Defendants
31780 Telegraph Road, Suite 200
Bingham Farms, Michigan 48025
(248) 540-8019

Claudia V. Babiarz (P36230)
Co-Counsel for Plaintiff
888 W. Big Beaver Road, Suite 600
Troy, Michigan 48064
(248) 269-1000

AFFIDAVIT OF ROBERT W. SNOW

Robert W. Snow, being first duly sworn, states:

1. I am of full age, am making this affidavit upon personal knowledge,
and can testify competently to the facts set forth below.

2. I am a forensics examiner at Digital Forensics Corporation ("DFC"), which specializes in the identification, extraction, preservation, interpretation, and documentation of electronic data.

3. I am an EnCase certified data examiner.

4. On April 4, 2006, New World Systems Corporation ("New World") retained DFC to examine an IBM Thinkpad laptop computer.

5. I conducted an examination of the laptop computer provided by New World, focusing on the areas of deleted activity, e-mail correspondence, the export or sending of information from the ACT! marketing database, and file recovery.

6. I prepared the reports attached as **Exhibits A, B, and C** to this Affidavit, which contain a true and accurate description of my activities and findings.


7. My examination of the laptop computer provided by New World revealed that 3,491 files or folders were deleted between January 1, 2006, and March 23, 2006, with approximately 3,000 of the deletions occurring between March 20 and March 23.

8. I recovered the e-mail correspondence attached as **Exhibits D, E, F, G, and H** and to this Affidavit from the laptop computer provided by New World.

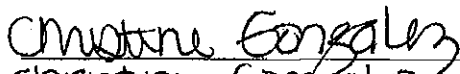
9. I recovered the Confidential Information Agreement attached as **Exhibits I** to this Affidavit from the laptop computer provided by New World.

10. As set forth more fully in **Exhibit C**, my examination of the laptop computer provided by New World revealed that, between March 9 and March 20, 2006, a CD was burned of a file entitled "FL List without population.wpa." The .wpa file extension is commonly used for ACT! word processing documents.

Dated: April 26, 2006


Robert W. Snow

Subscribed and sworn to before me
this 26th day of April, 2006.


Christine Gonzalez
7/26/07



New World Systems

Jones Examination Report

Prepared by Robert Snow

04/06/06

**SNOW AFFIDAVIT
EXHIBIT A**

New World Systems
Jones Examination Report

Table of Contents

	Page
Overview	3
Project Plan	3
Procedure and Results	4
Deleted File Activity	5
Internet Email Addresses	6
ACT Information	7
File Recovery	8
Additional Information	9

New World Systems
Jones Examination Report

Overview

On 4/4/06, Randy Safford of Safford & Baker (S&B) contacted Scott Wrobel of Digital Forensics Corp. (DFC) about a case involving New World Systems (NWS) former employee Chauncey Jones. Jones, who was employed with NWS as an account manager located in Florida, had his employment terminated on 1/6/06. Jones retained possession of the laptop until 3/23/06. The computer was given to Wrobel on 4/4/06.

It has been reported by David Materne of NWS that between the dates of 3/23/06 and 4/4/06, that NWS employees have used the computer to burn CD and other possible activities. For this reason the DFC examination is only to focus on the dates between 1/1/06 and 3/23/06.

NWS has requested that DFC look into several areas of activity on the computer including deleted activity, internet email, the export or sending of ACT information, and file recovery of several specific files.

Project Plan

- Create EnCase images files or the original drive to use for the examination.
- Search the Recycle Bin for deleted file during the time frame of 1/1/06 – 3/23/06.
- Look for internet-based Hotmail or Yahoo type of email addresses.
- Look for the contact management program ACT and any exported and / or transferred ACT files.
- Recover files NWS found in the users Recent folder, such as MS Prospecting List.xls and AI Prospecting List.xls.

New World Systems
Jones Examination Report

Procedure and Results

On April 4 and April 6, 2006 Robert Snow of DFC conducted the examinations that are contained in this report. The original drive was a Hitachi 20GB hard drive obtained from an IBM Thinkpad laptop computer. This examination was performed on the EnCase image files created during the acquisition of that drive. The steps taken are detailed below.

- 1) A new EnCase case file was created. The drive was acquired as EnCase Evidence files.
- 2) The Recycle Bin was viewed. Information about all files with an Entry Modified date between 1/1/06 and 3/23/06 was exported. Individual files can be recovered upon request.
- 3) A search for Hotmail and Yahoo type addresses turned up a set of emails addresses from Earthlink, Verizon and Munis. Further investigation is needed to determine activity with these accounts.
- 4) A search for ACT reports revealed several created within the March 06 timeframe. Further investigation is necessary to determine if these were copied or sent via email.
- 5) Several ACT reports have been recovered with names and times similar to the files mentioned.
- 6) Microsoft Outlook and Outlook Express files have been recovered. Further investigation is needed to determine activity with these email files.

New World Systems
Jones Examination Report

Deleted File Activity

A search of the recycle bin revealed 3,491 files or folders that were deleted within the timeframe of 1/1/06 and 3/23/06, with most of the deletions occurring between 3/20/06 and 3/23/06.

To determine deletion date, all files contained in the users Recycle Bin were tagged for viewing. They were then sorted by Entry Modified date. Information, including path within the Recycle Bin, filename, and dates, about all of the files with Entry Modified dates between 1/1/06 and 3/23/06 was exported from EnCase and converted into a Microsoft Excel file. This file can be found on the attached CD in the File named **Deleted Files.xls**.

New World Systems
Jones Examination Report

Internet Email Addresses

A search for internet based Yahoo and Hotmail addresses revealed instead the Earthlink email address cjonesnw@ix.netcom.com. A search for cjonesnw, and the subsequent viewing of some of the hits, revealed more addresses including cjonesnw@verizon.net, cjonesnw1@verizon.net, and cjones@munis.com.

Further examination would be needed to determine activity related to these accounts.

Some viewing of the search hits also revealed the following files of possible interest.

- _index[8]2.htm – This was a recovered deleted file that contains a snapshot of the inbox for the netcom.com email address. Several things are of interest including: the purchase of a dell computer, information about interviews with Anton Sys, and Monster and CareerBuilder activity.
- _compose[1].htm – This is a recovered deleted file that contains an empty email composition form. This is a good example of why sent emails cannot be recovered unless they have been read.
- _addrbook[3].htm – This is a recovered deleted file that appears to contain the entire address book for the netcom.com address.
- _msg[2]1.htm – This is a recovered deleted file that shows an email from the users Suspect Email folder. It is a message sent from the users munis.com address and received to the users Suspect Email folder of the netcom.com account.

These files can be found on the attached CD in the **HTML Files** folder.

New World Systems
Jones Examination Report

ACT Information

A search for ACT information revealed the folder C:\Program Files\Symantec\ACT\Report. This folder contains several files in Rich Text with the extension .rtf. Seven of these files were created between 1/1/06 and 3/23/06.

Some general information about these files is as follows:

Name	File Created	Logical Size
Florida Cities.rtf	03/09/06 04:27:54PM	165,303
FL Contact Report.rtf	03/09/06 04:32:26PM	5,072,132
FL Contact Report by Population.rtf	03/15/06 07:22:51PM	296,602
GA Contact Report by Population.rtf	03/22/06 07:47:45AM	16,425
SC Contact Report by Population.rtf	03/22/06 07:52:48AM	82,437
AL Contact Report by Population.rtf	03/22/06 07:55:54AM	119,026
MS Contact Report by Population.rtf	03/22/06 07:57:13AM	72,099

More information about these files is contained on the attached CD in the file named **ACT Report Files.xls**. The actual files are contained on the CD in the **ACT Report Files** folder.

More examination of email related files would need to be done to determine if these files were sent via email. See the following two sections of this report for more information.

New World Systems
Jones Examination Report

File Recovery

During NWS' examination of the machine, the users Recent list was viewed. Several files were asked to be recovered by DFC, including MS Prospecting List.xls and AS Prospecting List.xls.

In fact, there are two Recent lists for each user, one kept by the operating system in the C:\Documents and Setting\<username>\Recent folder and another kept by Microsoft Office in the C:\Documents and Setting\<username>\Application Data\Microsoft\Office\Recent folder.

Viewing the Office Recent list for the users reveals that these files were accessed at the following times.

Name	File Created
GA Prospect Listing by Population.LNK	03/22/06 07:51:56AM
GA Prospect Listing by Population II.LNK	03/22/06 07:53:54AM
SC Prospect Listing by Population.LNK	03/22/06 07:54:50AM
AL Prospect Listing by Population.LNK	03/22/06 07:56:30AM
MS Prospect Listing by Population.LNK	03/22/06 07:57:45AM

The File Created date for the link (.lnk) file is when the Recent link was created, indicated when the file the link points to was accessed. These are links to excel files, which is what was asked to be recovered. Unfortunately these exact files could not be recovered. But if you notice, these access times on these file are very close, and have very similar names to the ACT reports from the previous section of this report. There is a good chance that the files recovered from the ACT Reports folder are very similar to the Excel files in the links above.

There are no indications of these Excel files being burned to CD. More examination of the email files covered in the next section of this report would need to be done to determine if any of these files, either the Excel files or the ACT report files, were sent via email.

The entire contents of both Recent lists were sorted by date and a report was generated for all links created between 1/1/06 and 1/23/06. The reports for these two lists can be found on the attached CD in the **Recent Lists** folder. These reports are sorted in no particular order, but do show all the files that were accessed within the date range.

New World Systems
Jones Examination Report

Additional Information

A search was conducted for email container files on this computer. The following outlines the files found.

Name	File Created	Last Written	Logical Size
Folders.dbx	11/10/04 07:02:19PM	04/03/06 04:05:20PM	74,720
Job Search.dbx	02/07/06 10:46:36AM	03/22/06 11:29:21AM	1,911,508
CareerBuilder Search.dbx	03/22/06 11:18:16AM	03/22/06 11:18:16AM	76,500
Monster Searches.dbx	03/22/06 11:18:16AM	03/22/06 11:18:16AM	76,500
Anton Systems.dbx	02/12/06 08:59:16PM	03/22/06 11:18:05AM	666,324
Tyler Technologies.dbx	02/12/06 08:59:56PM	03/22/06 11:18:12AM	1,649,364
Kelly Services.dbx	02/15/06 02:42:00PM	03/22/06 11:18:06AM	666,324
Smith Barney.dbx	02/15/06 02:43:14PM	03/22/06 11:18:09AM	404,180
Sent Items.dbx	11/18/04 07:56:25AM	03/22/06 11:30:30AM	13,639,792
KVS Systems.dbx	02/12/06 09:01:56PM	03/22/06 11:18:06AM	142,036
Funny e-Mails.dbx	01/09/06 05:51:19PM	03/22/06 11:28:32AM	24,718,036
Inbox.dbx	11/10/04 07:02:19PM	04/03/06 04:05:17PM	53,228,144
Personal FYI Shit.dbx	02/08/06 04:55:59PM	03/22/06 11:30:03AM	13,445,844
Outbox.dbx	11/10/04 07:02:20PM	04/03/06 04:05:20PM	8,710,868
Not Interested.dbx	02/12/06 09:06:16PM	03/22/06 11:18:07AM	273,108
Drafts.dbx	01/17/06 11:51:28AM	03/22/06 11:30:17AM	142,036
Passwords.dbx	05/17/05 07:40:15AM	03/22/06 11:30:08AM	142,036
Jokes.dbx	05/17/05 07:40:35AM	01/25/06 09:52:40AM	142,036
Offline.dbx	11/10/04 07:02:20PM	04/03/06 04:05:20PM	9,656
Pop3uidl.dbx	11/10/04 07:02:44PM	03/22/06 11:30:26AM	9,404
Deleted Items.dbx	11/12/04 01:19:44PM	03/22/06 11:30:29AM	51,915,476
Job Responses.dbx	02/07/06 10:46:47AM	03/22/06 11:26:40AM	1,125,076
Other Items of Interest.dbx	01/09/06 07:09:18AM	03/22/06 11:30:13AM	2,632,404
outlook.ost	11/05/04 09:06:24AM	04/03/06 04:14:04PM	65,601,536
Outlook.pst	03/22/06 11:13:49AM	03/22/06 11:18:39AM	63,275,008

You will notice that many of these files were accessed as late as 3/22/06, including the Microsoft Outlook Express (.dbx) and Microsoft Outlook (.pst and .ost) files. Each of these files needs to be examined for activity, particularly with regard to sending and receiving ACT information.

More information about these files is on the attached CD in the file named **Email Files.xls** and the files themselves are on the CD in the **Email Files** folder.



New World Systems

Jones Examination Report

Prepared by Robert Snow

04/11/06

**SNOW AFFIDAVIT
EXHIBIT B**

New World Systems
Jones Examination Report

Examination Update

Deleted Documents

You will see on the CD several folders and files which were previously deleted. Because they were deleted, some of the files may not have been recovered in their entirety, so do not be surprised if some do not open properly.

These are located on the CD in the **Deleted Folders** folder.

Munis.com

A search for Munis.com was run across the hard drive. All of the files that hit are in the **Munis.com\Files** folder.

A search within Outlook and Outlook Express files revealed several emails. They can be found in the folders under the **Munis.com\Emails** folder.

Office Recent Links

The Excel file on the attached CD named **Office Recent Links.xls** contains the Created Date for when the link was created. Since the link was created at that time, it is the time that the file was accessed.

ACT .rtf Files

To look for these, I searched the hard drive and within emails for the words Contact Report and for Prospect Listing. I did not see any instances of these files being sent via email. I also did not see any links to external storage devices such as CDs or flash drives. It is possible these files are buried within email attachments so pay close attention as you review the emails with the subjects "**stuff from express NWS**". I did a cursory review of these emails and mostly saw information about other jobs, but it is possible these files are here and my searches did not catch them.



New World Systems

Jones Examination Report

Prepared by Robert Snow

04/20/06

**SNOW AFFIDAVIT
EXHIBIT C**

New World Systems
Jones Examination Report

Examination Update

Results

- A CD was burned between the dates of 3/9/06 and 3/20/06. The CD contains a file named FL List without population.wpa.
- The contents of the file are unclear, but there are files with similar names whose content is known.
- A zip file named ACT Backup CJones.zip - 032106.zip was created in February and accessed in March.

Below is a detail of these findings.

CD Burning Activity

A link file (.LNK) is created in a users Recent folder when that users double clicks on a file. A link file is a file itself, therefore it has a location and Created and Last Written dates. Contained within the link file there is information about the file that it is a link to.

The following is a list of files that were created on 3/9/05.

Name	File Created	Last Written	Logical Size	Full Path
Florida Cities.rtf	03/09/06 04:27:54PM	03/09/06 04:44:03PM	165,303	IBM\IBM\C\Program Files\Symantec\ACT\Report\
Florida Cities.lnk	03/09/06 04:27:55PM	03/09/06 04:44:03PM	873	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\
A0037727.lnk	03/09/06 04:29:24PM	03/15/06 07:03:03PM	600	IBM\IBM\C\System Volume Information_restore{B0...BFC}\RP412\
FL List without population.lnk	03/09/06 04:29:24PM	03/20/06 08:52:34PM	354	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\
FL.lnk	03/09/06 04:30:03PM	03/09/06 04:30:03PM	811	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\
FL Contact Report.rtf	03/09/06 04:32:26PM	03/09/06 04:32:29PM	5,072,132	IBM\IBM\C\Program Files\Symantec\ACT\Report\
FL Contact Report.lnk	03/09/06 04:32:27PM	03/09/06 04:32:27PM	900	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\
FL Phone List.lnk	03/09/06 04:39:23PM	03/09/06 04:39:23PM	876	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\

You can see above that the file FL List without population.lnk file was created on 3/9/06. It has a Last Written date of 3/20/06. So while a file of this name was accessed on 3/9, the link file now contains information about a file that was accessed on 3/20.

The file FL List without population.lnk contains the following information:

```

Link File Path:      IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\FL
                     List without population.lnk
File Flags:          147
File Attributes:     1
Shortcut Display Mode: 1
Created Date:        03/09/06 04:29:24PM
Last Written Date:   03/09/06 04:29:24PM
Accessed Date:       02/07/06 01:28:16AM
Volume Label:        Mar 20 2006
Media Type:          CD-ROM
Volume Serial:       81 88 21 B8
  
```


**New World Systems
Jones Examination Report**

File Length: 64666
Base Path: D:\FL List without population.wpa
Target Exists: No
Working Directory: D:\

Another link file was found in the System Recovery section of the hard drive. The file A0037727.lnk contains the following information:

Link File Path: IBM\IBM\C\System Volume Information_restore{B0D756EF-EA2A-4E3B-826E-4CB5A7DF3BFC}\RP412\A0037727.lnk
File Flags: 155
File Attributes: 32
Shortcut Display Mode: 1
Created Date: 03/09/06 04:29:24PM
Last Written Date: 03/09/06 04:29:24PM
Accessed Date: 03/15/06 07:03:03PM
Volume Label: C
Media Type: Fixed
Volume Serial: 60 D8 57 DE
File Length: 64666
Base Path: C:\Documents and Settings\Jones Chauncey\Desktop\FL List without population.wpa
Target Exists: No
Working Directory: C:\Documents and Settings\Jones Chauncey\Desktop

Putting all three pieces of information together, we know that:

- A file with the name FL List without population.wpa was accessed on 3/9 and was located on the users Desktop.
- A file with the name FL List without population.wpa was accessed on a CD-ROM on 3/20.
- The file on the CD-ROM was created and Last Written to on 3/9.
- We do not know exactly when the CD-ROM was created. The dates of the file on the CD indicates that it was burned sometime on or after 3/9. The Volume Label and the Last Written date of the Recent link file indicate it was created on or before 3/20.

A Similarly Named Files

While the file on the CD has the extension .wpa, there is another file on the drive with the same name but with the extension .rtf.

The following is a list of activities on 3/15/06

Name	File Created	Logical Size	Full Path
FL List without population.rtf	03/15/06 07:03:18PM	96,089	IBM\IBM\C\RECYCLER\S-1-5-21-66943981-305611674-1000085797-1453\Dc961\Document\
FL List without population (2).lnk	03/15/06 07:03:19PM	856	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\
Contact Listing by Population - Jones.rep	03/15/06 07:15:41PM	7,644	IBM\IBM\C\Program Files\Symantec\ACT\Report\
FL Contact Report by Population.lnk	03/15/06 07:22:51PM	958	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\
FL Contact Report by Population.rtf	03/15/06 07:22:51PM	296,602	IBM\IBM\C\Program Files\Symantec\ACT\Report\
FL listing by pop.LNK	03/15/06 07:41:29PM	475	IBM\IBM\C\Documents and Settings\Jones Chauncey\Application Data\Microsoft\Office\Recent\
FL listing by pop.lnk	03/15/06 07:42:45PM	555	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\

This shows that a file with a very similar name as the file on the CD was created on 3/15. This file has since been deleted

**New World Systems
Jones Examination Report**

and is now in the users Recycle Bin. The file is partially overwritten, but some of the file is recoverable. Below is a sample of the data in this file.

Harold Sample City Manager Dade City 38020 Meridian Avenue Dade City FL 33425
Karen Wells Consultant Dade City 37824 Bougainvillea Avenue Dade City FL 33424

The partially recovered parts of the file have been partially repaired and included with this report in the file _FL List without population.rtf.

The file FL Contact Report by Population.rtf contains very similar, yet additional, information. This file has also been included with this report.

There is not enough information to know that either of these files contain the same information as what is on the CD. We only know that they have similar names and that they may contain the same information.

Additional Information

On 3/21, a zip file was accessed.

Name	File Created	Full Path
ACT Backup CJones.zip - 032106.lnk	03/21/06 12:38:56PM	IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\

The following is information from within that zip file.

```

Link File Path:      IBM\IBM\C\Documents and Settings\Jones Chauncey\Recent\ACT
                    Backup CJones.zip - 032106.lnk
File Flags:          139
File Attributes:     0
Shortcut Display Mode: 1
Created Date:        02/07/06 01:28:16AM
Last Written Date:   02/07/06 01:28:16AM
Accessed Date:       02/07/06 01:28:16AM
Volume Label:        C
Media Type:          Fixed
Volume Serial:        60 D8 57 DE
File Length:         0
Base Path:           C:\Documents and Settings\Jones Chauncey\Desktop\ACT Backup
                    CJones.zip - 032106.zip
Target Exists:       No

```

From this we know that

- The zip file was created on 2/7.
- On 3/21 the user decided to have a look at it.
- There are no indications that this file was copied to a CD.

It might be worth fining out from the user exactly what is in this file, and what he did with it.

From: Welch, Skip <swelch@munis.com>
Date: 2/23/2006 11:15:36 AM
Subj: Welcome Aboard!

Chauncey:

It was great to hear that you accepted, and will be joining our sales team. My understanding is that you will be coming up on Monday, and I have asked Bob Sansone if he can get you out early Friday afternoon. We have our monthly sales meeting on Friday the 3rd, from 10:00 till 1:00, so I would like to have you attend this.

I will have a Laptop for you all setup and ready to go. Your week will be filled with meetings with sales reps, department heads, senior management, etc. Here is what I would ask you to have prepared for me:

- A forecast of current prospects you are aware of in Florida and Alabama, as well as any info that you may have on Tennessee prospects, which will be your third state.

- Be able to discuss/show how you have canvassed for prospects in the past. I want to know what has worked for you, what type of programs you ran (mailers, telemarketing, seminars, etc.).

- Be able to discuss how you responded to RFP's, what resources you had available to help, what you were responsible for, who answered checklists, etc. I want to get a feel for how closely what you have been doing matches our model. That will guide me in determining how much time you need to spend with Marketing, Sales Support, etc.

My intent is to develop a training plan with you next week to insure that we get you up to speed as soon as possible. I realize you may have a thousand questions, but we can address them all while you are here. If you have any questions in the meantime, please give me a call.

Again, welcome aboard!

Skip Welch
Regional Vice President

Tyler Technologies, Inc., MUNIS Division
370 US Route One
Falmouth, Maine 04105
Phone: 800-772-2260 extension 4373
Cell: 207-671-3137
Fax: 207-781-2459
Email: swelch@munis.com
Web: www.tyler-munis.com

**SNOW AFFIDAVIT
EXHIBIT D**

EarthLink.net myEarthLink Web Mail My Account Support

ADVERTISEMENT

cjonesnw@ix.netcom.com

3% of 100 MB used. Empty Trash

Increase Storage Space

☐ Check Mail

☐ Write Message

☐ Spam Blocker (HIGH)

☐ Folders

☐ Suspect Email [28]

☐ Known spam [1743]

☐ INBOX [23] new

☐ Drafts [0]

☐ Sent [5]

☐ Trash [42] [Empty]

☐ Address Book

☐ Preferences

☐ Search for Message

☐ Web Mail Help

[Previous](#) | [Next](#) | [Back to Suspect Email](#) [Printable View](#) | [View All Headers](#) | [View Email Source](#)

[Delete](#) [Select Folder](#) [Mark Unread](#)

From: "Jones, Chauncey" <cjones@munis.com> [This is spam]

To: Lwright@govmserv.com

Subject: FW: UB Software RFP

Date: Feb 28, 2006 5:25 PM

Hi Mr. Wright,

My Name is Chauncey Jones and I am the MUNIS Account Representative assigned to this opportunity and by the way, my office is in Tampa. I am interested in reviewing/responding to the RFP. I did not find the RFP attached to your e-mail so would you please reply with a copy? Thanks....

Chauncey Jones
cjones@munis.com
(813) 899-0297.

-----Original Message-----

From: Lester Wright [mailto:lwright@govmserv.com]

Sent: Tue 2/28/2006 1:10 PM

To: Info Mail Box

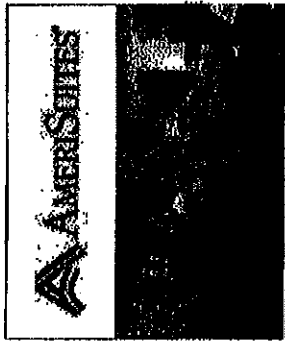
Subject: UB Software RFP

My name is Lester Wright and my company provides managerial and administrative services to several special services districts within the State of Florida. We are currently receiving bids for the replacement of our utility billing system. Please take some time to review and respond to the attached request for proposal on or before March 31, 2006. It may be helpful to know that we are a current MUNIS client under

SNOW AFFIDAVIT

EXHIBIT E

☐ Sign Out



the name FGUA - Florida Governmental.

Lester R. Wright - Assistant Director of Financial Services
lwright@govmserv.com <mailto:lwright@govmserv.com>

Government Services Group, Inc.

280 Wekiva Springs Road

Protegrity Plaza, Suite 203

Longwood, FL 32779

(407) 629-6900 Office

(407) 629-6963 Fax

www.govserv.com <<http://www.govserv.com>>



Select Folder



© 2005 EarthLink, Inc. All Rights Reserved.
Members and visitors to the EarthLink Web site agree to abide by our [Policies and Agreements](#)
[EarthLink Privacy Policy](#)

Web Mail version 5.7.3

From: <SWilson@TownofPalmBeach.com>
To: <cjonesnw@ix.netcom.com>
Sent: Friday, March 03, 2006 4:25 PM
Subject: Re: Tyler Technologies Meeting Request

Mr. Jones

We have posted our RFP to Demand Star and are having a pre bid meeting on Friday March 10th at 10am. I feel that it would be best to have you stop by then and we can talk along with any of the other Vendors.

Spencer..

Chauncey Jones
<cjonesnw@ix.netcom.com>
03/03/2006 03:14 PM
To
swilson@townofpalmbeach.com
cc
cjones@munis.com
Subject
Tyler Technologies Meeting Request
Please respond to
Chauncey Jones
<cjonesnw@ix.netcom.com>

Hi Mr. Wilson,

I am Chauncey Jones and I am the "new" Sales Rep for Tyler Technologies in FL, AL, and TN. As you may know, Tyler offers the Eden, MUNIS, and Incode suite of products for local governments. Up until now, each product suite was sold by a different representative / organization. Tyler made some organizational changes in early February and one major change was to consolidate the territories across the country between MUNIS and Eden. What that means to you is that I will be the ONLY TYLER sales representative calling on you. I can propose either MUNIS or Eden; whichever we deem is the better fit for you.

I'm meeting with North Lauderdale on Tuesday from 11:00 a.m. - 1:00 p.m. I'd like to meet with you either Tuesday afternoon or anytime Wednesday to get updated on your upcoming project. Which day and times work best for you? Thanks and I look forward to working with you.

**SNOW AFFIDAVIT
EXHIBIT F**

Chauncey
(813) 899-0297
cjonesnw@ix.netcom.com

From: <CPerez@northmiamifl.gov>
To: <cjonesnw@ix.netcom.com>; <cjones@munis.com>; <hmachado@northmiamifl.gov>
Sent: Saturday, March 04, 2006 11:14 AM
Subject: RE: Chauncey Jones - Tyler Technologies

Chauncy,
Congrats. I think I speak for both Hortensia and I, that we are happy you were able to hook up with another organization.

I think at this point, however, it would probably be inappropriate for us to entertain any discussions on the new software, as we have turned the process over to FLC for the needs assessment and for helping us select a vendor. To be fair, as we told your counterparts at New World, they really need to sit back and wait this process out.

Hopefully, we will see more of you, if indeed a company like Eden is one of the final 3-4.

Good Luck, and I apologize for not returning your call. I was intraining on Thursday and Friday, and I know Hortensia had schelued meeting throughout both days with City staff, introducing them to FLC reps.

Carlos M. Perez

Carlos M. Perez
Finance Director
City of North Miami
cperez@northmiamifl.gov
305-893-6511 extension 12125
305-891-2617 (fax)

-----Original Message-----

From: Chauncey Jones [mailto:cjonesnw@ix.netcom.com]
Sent: Friday, March 03, 2006 3:08 PM
To: Perez, Carlos; Perez, Carlos; Machado, Hortensia
Cc: cjones@munis.com
Subject: Chauncey Jones - Tyler Technologies

SURPRISE!!!!

It's me again. You guys can't get rid of me. I am a Sales Rep for Tyler Technologies and I cover FL, AL, and TN. As you may know, Tyler offers the Eden, MUNIS, and Incode set of products for local governments. Up until now, each product was sold by a different representative / organization. Tyler made some organizational changes in early February. There has been a consolidation of territories across the country between MUNIS and Eden. What that means to you is that I will be the ONLY TYLER sales representative calling on you and I can propose either MUNIS or Eden; whichever we deem is the better fit for you.

I'm meeting with North Lauderdale on Tuesday from 11:00 a.m. - 1:00 p.m. I'd like to meet with both or one of you either Tuesday afternoon or anytime Wednesday. Heck, we can even meet over lunch on Wednesday. Which day and times work best for you? Thanks and I look forward to working with you again.

Regards,

Chauncey

**SNOW AFFIDAVIT
EXHIBIT G**

Case 2:06-cv-11693-DPM-MWF Document 6-7, PageID.148 Filed 04/26/06 Page 26 of 28
From: lrensensbrink@munis.com
Date: 2/9/2006 9:13:34 AM
Subj: Monday

Hi Chauncey,

I just wanted to touch base with you before your interview with Tyler on Monday, February 13. I don't have a set schedule, but I thought you would like to have the names of the people with whom you'll be meeting. As part of the interview, you will be asked to fill out an employment application, a background check release form, and a voluntary EEO-1 form.

Bob Sansone, HR Director
Skip Welch, VP Eastern Region Sales
Jim Hurley, VP Sales
Dick Peterson, President
John Marr, Jr., CEO

We will pick you up from the Fairfield Inn at 9 or 10 on Monday and take you back to the airport by 2 or 2:30. I have your flight itinerary from Rob - let me know if you did not receive yours. I will have a specific pick-up time for you today or tomorrow.

Please let me know if you have any questions.

Regards,
Liz

Liz Rensenbrink
Human Resources Specialist

Tyler Technologies, Inc.
370 US Route One
Falmouth, Maine 04105
Phone: 800-772-2260 extension 4260
Fax: 207-781-2459
Email: lrensensbrink@munis.com
Web: www.tyler-munis.com

**SNOW AFFIDAVIT
EXHIBIT H**

CONFIDENTIAL INFORMATION AGREEMENT

THIS AGREEMENT between the MUNIS Division of Tyler technologies, Inc., with a principal place of business in Falmouth, County of Cumberland and State of Maine (hereinafter collectively referred to as "Corporation"), and _____ (hereinafter called "Employee");

WITNESSETH

WHEREAS, in the conduct of the business of the Corporation much information is evolved of a secret and confidential nature. This information constitutes valuable property of the Corporation generally not being disseminated or made known to persons or organizations outside the Corporation at all and if thus made known being done so only under specific and restrictive conditions such as to insure that it does not become readily available to the public. Confidential information of others may be received by the Corporation with restrictions on its use and disclosure and require that the Corporation execute secrecy agreements pursuant to which the Corporation agrees to utilize such information only for the purpose of the particular projects being worked upon and requires the Corporation to take all reasonable precautions to prevent any duplication/disclosure or other use of such confidential information for any other purpose; it is recognized that as a result of Employee's employment by the Corporation Employee may have opportunity to and may acquire knowledge of such secret and confidential information; and

WHEREAS, Employee is or desires to be employed by the corporation in a capacity in which Employee may receive or contribute to confidential information; and

WHEREAS, Corporation may develop and use valuable technical and non-technical confidential information which it may wish to protect by keeping it secret and confidential, and is obligated to co-consultants and clients by the above-mentioned secrecy agreements to keep certain information confidential and secret.

NOW, THEREFORE, in consideration of Employee's employment or continued employment; this Agreement being a condition thereof and ancillary thereto, and not purporting to set forth the terms of such employment, it is agreed as follows:

1. Employee shall not, during the term of this employment nor at any time thereafter, disclose to anyone outside the Corporation or use in other than the Corporation's business any secret or confidential information of the Corporation or its subsidiaries or affiliates, except as authorized by authoritative personnel of the Corporation. Corporation information which is not readily available to the public shall be considered secret and confidential for the purpose of this Agreement and shall include, but not be limited to, processes, products, apparatus, data, compounds, business studies, business procedures, financial reports or statements, marketing plans, customer lists, trade secrets, copyrighted, patented, or other proprietary information.

2. Employee shall disclose promptly to the Corporation or its nominee any and all inventions, discoveries and improvements, whether patentable or not, conceived or made by Employee during the period of employment and related to the business or activities of the Corporation, and assigns and agrees to assign all his interest therein to the Corporation of its nominee; whenever requested to do so by the Corporation Employee shall execute any and all applications, assignments, or other instruments which the Corporation shall deem necessary to apply for and obtain Letters of Patent of the United States or any foreign country or to protect otherwise the Corporation's interests therein. These obligations shall continue beyond the termination of employment with respect to inventions, discoveries and improvements whether patentable or not, conceived or made by Employee during the period of employment, and shall be binding upon Employee, assigns, administrators or other legal representatives.

3. Upon termination of said employment, Employee shall promptly deliver to the Corporation all software, manuals, letters, notes, notebooks, reports and copies thereof, and all other materials of a proprietary, secret, or confidential nature relating to the Corporation's or its subsidiaries or affiliates business and which are in possession or under the control of Employee.

4. Employee shall not disclose or use secret or confidential information of others, disclosed to the Corporation with restrictions on the use or disclosure thereof, in violation of those restrictions.

5. Employee shall not disclose to the Corporation, nor induce the Corporation to use, without prior permission of the owner, any secret or confidential information or material of others of which Employee has or may become possessed.

6. This Agreement shall inure to the benefit of the successors and assigns of the Corporation.

IN WITNESS WHEREOF, the parties have signed this Agreement.

By:

Tyler Technologies, Inc.

Date

Employee Signature

Date